ORDINANCE NO. 2005 -057

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE **TRANSPORTATION ELEMENT** (TO UPDATE POLICIES REGARDING THE NEW PORT OF PALM BEACH MASTER PLAN); THE **COASTAL MANAGEMENT ELEMENT** (TO UPDATE POLICIES TO INCORPORATE BY REFERENCE SECTION A OF THE PORT OF PALM BEACH MASTER PLAN 2005-2015); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on June 10 & 24 and July 8, 2005 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 20, 2005 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on October 5, 2005 the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated September 30, 2005 which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, the written comments submitted by the Department of Community Affairs contained no objections to the amendments contained in this ordinance;

WHEREAS, on November 28, 2005 the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendments comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the 1989 Comprehensive Plan

Amendments to the text of the following Elements of the 1989 Comprehensive Plan are hereby adopted and attached to this Ordinance in Exhibit 1:

A. **Transportation Element,** to update policies regarding the new Port of Palm Beach Master Plan;

B. **Coastal Management Element,** to update policies to incorporate by reference Section A of the Port of Palm Beach Master Plan 2005-2015; and

C. Amending all elements as necessary for internal consistency.

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Part IV. Inclusion in the 1989 Comprehensive Plan

The provision of this Ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever is applicable. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. An adopted amendment whose effective date is delayed by law shall be considered part of the adopted plan until determined to be not in compliance by final order of the Administration Commission. Then, it shall no longer be part of the adopted plan unless the local government adopts a resolution affirming its effectiveness in the manner provided by law.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 28 day of November, 2005.

ATTEST:
SHARON R. BOCK, CLERK & COMPTROLLER

By: _____
Deputy Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

By: _____
Tony Masilotti, Chairman

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

_____
COUNTY ATTORNEY

Filed with the Department of State on the 6th day of December, 2005.

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EXHIBIT 1

A. Transportation Element, Port of Palm Beach Master Plan Update

REVISIONS: To revise and update. The revisions are numbered below, and shown with the added text underlined, and the deleted text ~~struck out~~.

REVISED OBJECTIVE 1.8: Port of Palm Beach

~~Palm Beach County has incorporated the Port of Palm Beach Master Plan (as amended February, 1995, and November, 1996) into its Comprehensive Plan, pursuant to Rule 9J-5.012, F.A.C., and shall continuously seek to achieve consistency and coordination between the Port Master Plan and this Comprehensive Plan.~~

Palm Beach County has incorporated Section A, Goals, Objectives and Policies, Future Improvements Map, and Capital Improvement Plan of the Port of Palm Beach Master Plan 2005-2015, November 2005 into the Coastal Management Element of its Comprehensive Plan. The County shall continuously seek to achieve consistency and coordination between the Goals, Objectives and Policies of the Port Master Plan and this Comprehensive Plan. The County supports Policies 3.2 and 3.3 located in Section A of the Port of Palm Beach Master Plan addressing improvements to SIS facilities and other roadway access to the Port. *[9J-5.012, F.A.C.] (See Goal 4 and related objectives and Policies in the Coastal Management Element)*

~~**Policy 1.8-a:** The County shall coordinate with the Port of Palm Beach and other governmental entities to plan for and to resolve problems outstanding issues related to transportation, development and land use, emergency management and natural resources management, including the bypassing of sand at the Lake Worth Inlet. The Intergovernmental Coordination Element shall provide the basis for resolution of disputes related to the incorporation of the Port of Palm Beach Master Plan into this Comprehensive Plan, and to resolve several environmental observations and inconsistencies between the Comprehensive Plan and the Port Master Plan, as identified in the Support Documents. *[9J-5.019(4)(c)8 F.A.C.] [9J-5.019(4)(c)11 F.A.C.] [9J-5.019(4)(c)14 F.A.C.]*~~

~~**Policy 1.8-b:** The County shall promote and help ensure the orderly development and use of the Port of Palm Beach through the intergovernmental coordination processes identified in the Intergovernmental Coordination Element and environmental review activities of the Department of Environmental Resources Management. *[9J-5.019(4)(c)11 F.A.C.]*~~

~~**Policy 1.8-c:** The County shall review future amendments to the Port's Master Plan for consistency with the County's Comprehensive Plan, and will initiate action to amend the Comprehensive Plan to reflect County approved Master Plan revisions. As required by section 163.3178(5), Florida Statutes, the appropriate dispute resolution process provided under section 186.509, Florida Statutes must be used to reconcile inconsistencies between the Port's Master Plan and the County's Master Plan. *[9J-5.019(4)(c)11 F.A.C.]*~~

~~**Policy 1.8-d:** The County shall facilitate coordination with applicable local governments and regional and state agencies to ensure that the needs of the Port are consistent with the programing and provision of roadway and transit service improvements. *[9J-5.019(4)(c)11 F.A.C.] [9J-5.019(4)(c)14 F.A.C.]*~~

B. Coastal Management Element, Port of Palm Beach Master Plan Update

REVISIONS: To revise and update. The revisions are numbered below, and shown with the added text underlined, and the deleted text ~~struck out~~.

NEW GOAL 4: PORT OF PALM BEACH

OBJECTIVE 4.1 Port of Palm Beach

Palm Beach County hereby incorporate~~d~~s Section A, Goals, Objectives and Policies, Future Improvements Map, and Capital Improvement Plan of Port of Palm Beach Master Plan 2005-2015, November 2005 into this Element of its Comprehensive Plan. The County shall continuously seek to achieve consistency and coordination between the Goals, Objectives and Polices of the Port Master Plan and this Comprehensive Plan. Palm Beach County shall monitor the implementation of the master plan and adopt any future modification or update to the plan. *[9J-5.012, F.A.C.](For transportation related policies see TE Objective 1.8 and Port of Palm Beach and Section A, Policies 3.2 and 3.3 of the Port of Palm Beach Master Plan)*

Policy 4.1-a: The County shall coordinate with the Port of Palm Beach and other governmental entities to plan for and to resolve problems outstanding issues related to transportation, development and land use, emergency management and natural resources management, including the bypassing of sand at the Lake Worth Inlet. The Intergovernmental Coordination Element shall provide the basis for resolution of disputes related to the incorporation of the Port of Palm Beach Master Plan into this Comprehensive Plan, and to resolve several environmental observations and inconsistencies between the Comprehensive Plan and the Port Master Plan, as identified in the Support Documents. *[9J-5.019(4)(c)8 F.A.C.] [9J-5.019(4)(c)11 F.A.C.] [9J-5.019(4)(c)14 F.A.C.]*

Policy 4.1-b: The County shall promote and help ensure the orderly development and use of the Port of Palm Beach through the intergovernmental coordination processes identified in the Intergovernmental Coordination Element and environmental review activities of the Department of Environmental Resources Management. *[9J-5.019(4)(c)11 F.A.C.]*

Policy 4.1-c: The County shall review future amendments to the Port's Master Plan for consistency with the County's Comprehensive Plan, and will initiate action to amend the Comprehensive Plan to reflect County approved Master Plan revisions. As required by section 163.3178(5), Florida Statutes, the appropriate dispute resolution process provided under section 186.509, Florida Statutes must be used to reconcile inconsistencies between the Port's Master Plan and the County's Master Plan. *[9J-5.019(4)(c)11 F.A.C.]*

Policy 4.1-d: The County shall facilitate coordination with applicable local governments and regional and state agencies to ensure that the needs of the Port are consistent with the programing and provision of roadway and transit service improvements. *[9J-5.019(4)(c)11 F.A.C.] [9J-5.019(4)(c)14 F.A.C.]*

BOARD OF COUNTY COMMISSIONERS PALM BEACH COUNTY FLORIDA

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk & Comptroller certify this to be a true and correct copy of the original filed in my office on November 28, 2005
Dated at West Palm Beach, FL on 12/22/2005
By: Diane Brouse
Deputy Clerk